

House File 2004 - Introduced

HOUSE FILE _____
BY SMITH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to preliminary screening tests for persons under
2 legal age for the detection of the presence of alcohol, and
3 providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5124HH 82
6 jm/nh/14

PAG LIN

1 1 Section 1. NEW SECTION. 123.47A REFUSAL TO SUBMIT TO
1 2 TEST == NOTIFICATION == CIVIL FINE.
1 3 1. A peace officer who has reasonable grounds to believe a
1 4 person under legal age has consumed an alcoholic beverage in
1 5 violation of section 123.47 may request that the person under
1 6 legal age provide a sample of the person's breath for a
1 7 preliminary screening test using a device approved by the
1 8 commissioner of public safety.
1 9 2. If the person under legal age is eighteen years of age
1 10 or older and refuses the request, the person shall be issued a
1 11 citation and assessed a civil fine of one hundred dollars.
1 12 3. If the person under legal age is under eighteen years
1 13 of age and refuses the request, the person shall be issued a
1 14 citation and assessed a civil fine of fifty dollars.
1 15 4. A person under legal age who is under eighteen years of
1 16 age shall not be referred to juvenile court based upon a
1 17 refusal of the request.
1 18 5. A peace officer issuing a citation to a person under
1 19 the age of eighteen for refusing a request shall notify the
1 20 person's custodial parent or legal guardian of the refusal,
1 21 unless the officer has reasonable grounds to believe that such
1 22 notification is not in the best interests of the person or
1 23 will endanger that person.
1 24 6. The results of the preliminary screening test may be
1 25 used for the purpose of deciding whether an arrest should be
1 26 made for a violation of section 123.47. However, the results
1 27 shall not be used in any court action except to prove that a
1 28 preliminary screening test was properly requested in a civil
1 29 proceeding pursuant to this section.
1 30 7. The state or a political subdivision of the state may
1 31 issue a citation and bring a civil action for a refusal of a
1 32 request, after giving the person under legal age an
1 33 opportunity to be heard upon ten days' written notice by
1 34 restricted certified mail stating the alleged civil violation
1 35 and the time and place at which the person under legal age may
2 1 appear and be heard.
2 2 8. The civil fine shall be collected by the clerk of the
2 3 district court and shall be distributed as provided in section
2 4 602.8105, subsection 5.
2 5 Sec. 2. Section 602.8105, Code Supplement 2007, is amended
2 6 by adding the following new subsection:
2 7 NEW SUBSECTION. 5. The clerk of the district court shall
2 8 collect a civil fine assessed against a person under legal age
2 9 pursuant to section 123.47A. Any moneys collected from the
2 10 civil fine, if the state issued the citation, shall be
2 11 submitted to the state court administrator and be distributed
2 12 as provided in section 602.8108. If a political subdivision
2 13 of the state issued the citation, any moneys collected shall
2 14 be distributed by the clerk of the district court to the
2 15 political subdivision of the state issuing the citation.
2 16 EXPLANATION
2 17 This bill relates to a person under legal age submitting to
2 18 a preliminary screening test for the detection of the presence

2 19 of alcohol.

2 20 Under the bill, a peace officer who has reasonable grounds
2 21 to believe a person under legal age has consumed an alcoholic
2 22 beverage in violation of Code section 123.47 may request the
2 23 person under legal age provide a sample of the person's breath
2 24 for a preliminary screening test.

2 25 If a person under legal age is 18 years of age or older and
2 26 refuses the request, the person shall be issued a citation and
2 27 assessed a civil fine of \$100.

2 28 If a person under legal age is under 18 years of age and
2 29 refuses the request, the person shall be issued a citation and
2 30 assessed a civil fine of \$50.

2 31 Under the bill, a peace officer issuing a citation to a
2 32 person under the age of 18 for refusing a request shall notify
2 33 the person's custodial parent or legal guardian of a refusal
2 34 unless the officer has reasonable grounds to believe that such
2 35 notification is not in the best interests of the person or

3 1 will endanger that person.

3 2 The clerk of the district court shall collect any civil
3 3 fine assessed pursuant to the bill.

3 4 The bill provides that any moneys collected from the civil
3 5 fine, if the state issued the citation, shall be deposited in
3 6 the general fund of the state. If a political subdivision of
3 7 the state issued the citation, any moneys collected shall be
3 8 distributed by the clerk of the district court to the
3 9 political subdivision of the state issuing the citation.

3 10 LSB 5124HH 82

3 11 jm/nh/14